

June 27, 2016

TO: Law and Justice Interim Committee
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Montana Coalition
Against Domestic & Sexual Violence

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Thank you for taking my written testimony. A family health crisis requires that I be absent from the hearing room today. I provide written testimony on behalf of MCADSV below. This testimony is based upon review of the SJ 24 language placed on the Interim Committee website the week of June 20, 2016. Any changes made since last week have not been evaluated by MCADSV for public comment.

LClj01: As has been covered in the past, MCADSV generally supports amending the consent definition to properly account for victims' common (but not universal) experience with sexual violence. We know that a large percentage of victims experience a freeze response to an attack. A consent definition that does not rely upon "force" is a good step toward recognizing that reality and in responding appropriately in our criminal statutes.

LClj02: MCADSV **does not support** the language from page 2, (iii): "has not consented to the creation of the visual or print medium or is incapable of consent." MCADSV would request that "creation" be amended to "dissemination" and refers the Committee to my extensive testimony on this issue in April for more information.

LClj03: MCADSV supports LClj03 in contrast to the other bills proposed on this topic (LClj03a, LClj03b). MCADSV supports in particular the language on pages 3-4, (a) – (c), which allows the nature of the underlying incident to be evaluated in the best interest of public safety and victim experience.

LClj04: MCADSV supported the original amendment to 45-1-205, which completely removed the statute of limitations for prosecution of sexual crimes against children. Research shows that a great majority of child sexual abuse victims wait until well into their adult years to report the crime. Many factors are at play in this delay, including family environment, trauma response, community influences, and cultural and societal attitudes toward reporting sexual abuse. As of early May 2016, thirty-seven other states had eliminated the statute of limitations for these crimes completely. MCADSV would urge that the original amendment (removing the SOL completely) would be considered again by the Committee.

LClj06: MCADSV supports the opportunity to survivors to take action to terminate the parental rights of the person who raped them. The termination of a rapists' parental rights through private action has never been an option for Montana's survivors. MCADSV is in support of this concept. For this bill to truly meet the needs of survivors and their children, there must be an opportunity for a private termination, one that does not rely upon the criminal justice system to initiate. MCADSV generally supports the language in the proposed draft. However, MCADSV also asks this Committee to consider allowing child support obligations to be placed upon the respondent in the action (at petitioner's request only), despite termination of the parent/child relationship. While some petitioners may not choose this option due to safety concerns and a general interest in not interacting with the rapist (even through state administrative proceedings), it is important to consider that child support may be very helpful to the child who is conceived through rape. Florida has included such a provision.

Thank you for your time. Please feel free to contact me should you require clarification on my testimony.

Law & Justice Interim Committee
June 28, 2016

EXHIBIT 14